

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 4 and 10-18 have been cancelled. Claims 1-3 and 5-9 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and Remarks as set forth hereinbelow.

REJECTION UNDER 35 USC 103

Claims 1-3 stand rejected under 35 USC 103 as being unpatentable over Morinaka et al, US 5,025,883, in view of Joao, US 6,542,076 and further in view of McMahon, US 3,908,168. Claims 4 and 5 stand rejected under 35 USC 103 as being unpatentable over Morinaka et al, US 5,025,883, in view of Joao, US 6,542,076 and further in view of McMahon, US 3,908,168 and further in view of Hesker, US 6,351,242. Claims 6 and 7 stand rejected under 35 USC 103 as being unpatentable over Morinaka et al, US 5,025,883, in view of Joao, US 6,542,076, in view of McMahon, US 3,908,168, in view of Yamaura et al, US 6,292,107 and further in view of Kusunoki, US 5,763,957. Claims 8 and 9 stand rejected under 35 USC 103 as being unpatentable over Kusunoki, US 5,763,957 in view of Hesker, US 6,351,242 and further in view of McMahon, US 3,908,168. These rejections are respectfully traversed.

It is respectfully pointed out that the Morinaka patent discloses a locking device that is disposed on the main body of the trunk box. The Joao patent discloses the use of an electronic locking mechanism for vehicle trunks. However, such an

electronic locking mechanism would be mounted on the main body of the trunk box,
not on a lid.

The McMahon patent only discloses an antenna 13 that is mounted on the rear portion of the motorcycle. There is no disclosure of mounting the antenna inside of the lid of the trunk.

It is respectfully submitted that claims 1-3 and 5-9 set forth a combination of elements wherein a remote control trunk assembly is provided for a saddle type vehicle wherein a radio receiving trunk assembly is mountable on a rear portion of a vehicle body with the lid having a projection formed outside on top of the rear trunk with the radio signal receiving unit being disposed inside the projection on the lid and the projection being positioned at approximately the center portion of the lid.

As acknowledged by the Examiner on page 3, the first paragraph of his Office Action, Morinaka et al and Joao are “silent on teaching the radio signal receiving trunk assembly is mountable in a projection formed outside on top of the rear trunk.”

The Examiner relied on the McMahon patent for a teaching for mounting the radio receiving circuit on a motorcycle in the location of the trunk. It is respectfully submitted that the McMahon patent merely discloses an antenna 13 that is mounted on the rear portion of the motorcycle. There is no disclosure of mounting the antenna inside the lid of the trunk. The combination of patent relied on in the Examiner’s rejection does not render obvious the subject matter as set forth in the claims of the present application.

Similarly, the Hesker patent is merely directed to the positioning of an antenna relative to a passenger car. The antenna disclosed by Hesker is actually installed below the outer wall of the car body. See, Hesker, col. 4, lines 24-40.

It is respectfully submitted that the Hesker patent is directed to non-analogous art. In addition, the present invention is directed to a combination of elements wherein the radio receiving trunk assembly is mountable on a rear portion of the vehicle and the lid includes a projection formed outside on top of the rear trunk. The Hesker patent teaches the positioning of the antenna below the outer wall of a car body and would not permit one of ordinary skill in the art to modify the Morinaka et al patent as suggested by the Examiner.

The Yamaura et al and Kusunoki patent were merely relied upon for teachings of a lock mechanism for a trunk and a switch for detecting whether a trunk lid is open or closed, respectively. It is respectfully submitted that the Yamaura et al and the Kusunoki patents are directed to non-analogous art. In addition, the teachings disclosed in the Yamaura et al and Kusunoki patents do not overcome the deficiencies of the primary references as discussed above.

In view of the above remarks, it is respectfully submitted that the Applicants have overcome the Examiner's rejections based on 35 USC 103. Claims 1-3 and 5-9 are now believed to be in condition for allowance. An early notice of allowance is respectfully requested.

NO PROSECUTION HISTORY ESTOPPEL

No prosecution history estoppel would apply to the interpretation of the limitations set forth in claims 1-3 and 5-9 in view of the fact that only minor corrections have been made to the claims and the subject matter set forth in the claims has been continuously presented since the original filing date of the present application.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above amendments and remarks, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703) 205-8000 in the Washington, D.C. area.

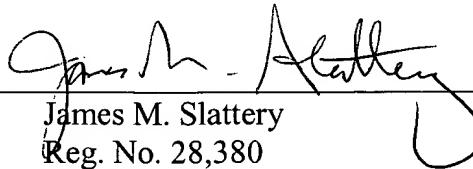
A prompt and favorable consideration of this Amendment is respectfully requested.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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